

The following are a few updates on the Fairness Doctrine.

1. [The Hill](#) : Battle lines are drawn over conservative radio
2. FOX & Friends transcript: Pence Defends Limbaugh, Warns Democrats Want to Reinstate Fairness Doctrine
3. Letter to House Democratic Leadership

1. The Hill [reports](#) on its front page today about Democrat attacks on Rush Limbaugh and how it dovetails with their efforts to bring back the Fairness Doctrine. Below are a few excerpts:

House Republicans are threatening to launch a discharge petition on legislation that would ensure the future prosperity of conservative radio talk-show hosts but is expected to face opposition from Democratic leaders. On Monday evening, Republicans filed a rule with the House Rules Committee laying the groundwork for a petition that would force action on protecting radio from government regulation later this fall.

Conservatives fear that forcing stations to make equal time for liberal talk radio would cut into profits so severely that radio executives would choose to scale back on conservative programming to avoid rising costs and interference from the government.

Republicans' concern has grown as Democrats have waged a battle against Limbaugh in recent days. On Tuesday, Senate Majority Leader Harry Reid (D-Nev.) sent a letter to the chief executive of Clear Channel Communications, Mark Mays, calling on him to denounce Limbaugh's remarks.

"If anyone ever doubted that there is enmity between Democrats and American talk radio, they need look no further than the personal attacks leveled on Rush Limbaugh on the floor of the Senate," said Rep. Mike Pence (R-Ind.), the sponsor of legislation shielding broadcasters from government interference. "I thought it astonishing that members of the U.S. Senate would engage in repeated and distorted personal attacks on a private citizen. It gives evidence of a level of frustration with conservative talk radio that is very troubling to anyone who cherishes the medium."

The Broadcaster Freedom Act would prohibit the Federal Communications Commission (FCC) from setting rules and policies reinstating the so-called Fairness Doctrine.

The doctrine, which the FCC abandoned in 1985, required broadcasters to present opposing viewpoints on controversial political issues. FCC regulators called for broadcasters to "make reasonable judgments in good faith" on how to present multiple viewpoints on controversial issues."

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In addition to Durbin, Sen. Dianne Feinstein (D-Calif.) has said in recent months that she plans to review the legal aspects of reviving the Fairness Doctrine. Aides to Dingell, who chairs the House committee with primary jurisdiction over the FCC, have studied the issue as well,

Democratic sources said.

Every Republican in the House has sponsored Pence and Walden's bill. Rep. John Yarmuth (Ky.), a former newspaper publisher, is the only Democrat to sign on so far.

The bill's sponsors believe they could pressure more Democrats to sign on to a discharge petition, especially as Election Day nears.

At the end of June, 309 House lawmakers voted for an amendment to the Financial Services and General Government appropriations bill prohibiting the FCC from using federal funds to reinstitute the Fairness Doctrine.

Republicans say Congress must consider the Broadcaster Freedom Act now because the amendment the House passed several months ago has not yet become law. The Senate has yet to consider the Financial Services spending bill.

2. Congressman Pence was a guest on FOX & Friends this morning to defend Rush Limbaugh and talk about the need to abolish the Fairness Doctrine. Below is a transcript:

FOX & FRIENDS TRANSCRIPT

10-3-07

Host: Joining us right now from Washington are Congressman Joe Sestak and Mike Pence as well. Good morning to both of you. Congressman Sestak, let me ask you about this. According to Rush Limbaugh, the Democrats are taking him out of context.

Sestak: I think if you look at the transcript, you can see that in response to a caller that said, "hey look, they're finding soldiers in the media to talk against the war," he said, those are "phony soldiers."

Let's take it to a higher level. Do I agree with what Rush Limbaugh said? No. Do I respect his right to say it after serving 31 years in the military to protect his right? Absolutely. Take the other side, I don't agree with the words that Moveon.org used. I just think that we have to take this to a higher level of debate. We're not going to address the issue of solving this war correctly, and that's what Mike and I should be doing, not talking about talk show hosts, but how to correctly end this war in a bipartisan way.

Host: Ok, so Congressman Sestak, what do you say to Congressman Udall from Colorado who has introduced a resolution on the floor of the US House denouncing Rush Limbaugh? He is doing exactly what you said you shouldn't do.

Sestak: No. I haven't read the resolution. But I voted for the one that said, "I condemn the words that Moveon.org used, not the organization's right to say it. I condemned the words if this is how its stated, that Rush Limbaugh used, not his right to say it. Step back one more time though. You know what's most important for these men and women to remember out there, whether its Rush Limbaugh calling Senator Hagel, who served in Vietnam, Senator Betrayus on 25 January, or Moveon.org using certain words is remember your military in America is different. Your military remembers that age-old maxim from the 1600's, that the nation that draws a broad line of demarcation between its thinking men and its fighting men, will find its thinking done by cowards and its fighting done by fools. You need to have military people who think and critique

differently.

Host: Congressman Pence, your view?

Pence: Well, I want to agree with Congressman Sestak, that I think it is absolutely ridiculous that the Democratic leaders of Congress, particularly in the Senate, but many in the House, are focusing on the American political debate and the comments of an American commentator.

Let me say with great respect, Joe, I read the transcript too and I think FOXNEWS yesterday, reported that a literal reading of the transcript shows that Rush Limbaugh did not call veterans who oppose the war “phony soldiers.”

In fact, the term comes from an ABC News report that aired the Monday night before the Wednesday that he used the term. He did a commentary on Tuesday on the subject Joe you know, and this was all about the ABC News initial report of this Jesse Macbeth, and frankly, several incidents of people who have pretended to be Iraq War veterans, in some cases a criminal behavior, who have then been used by the anti-war left to make a case against Iraq.

Rush Limbaugh has clarified his statement but, quite frankly Steve, I see this all as a precursor to an effort by the Democrats in Congress to reintroduce the Fairness Doctrine. What on earth business is it of the United States Senate to be policing the airwaves of America? I really do believe this whole incident, the circus on the Senate floor Monday, argues for the legislation we’ve introduced in the House that would put the Fairness Doctrine out of reach of any future President or any future Congress.

Host: Congressman Sestak, I’ll give you the final word.

Sestak: Look, you can read a transcript and decide what you want. I read it also. But let’s bring, Mike, this to a higher debate. We should not be wasting our time talking about talk show hosts; we should be talking about the fairness doctrine. And what we should be doing is saying, “Mike, this war, is it hurting or helping our security? How can we bring about a better end to this?”

And that’s what I believe needs to be done. Do I think both sides’ words are wrong? The tone is absolutely wrong. So let’s not defend either side, and say whether we think or don’t think whether these individuals (inaudible). What we need to finish doing, is just to ensure that the tone changes if we are to approach this war correctly.

Pence: I think we should raise the debate, Joe. The debate ought to be about freedom, it ought to be about freedom in Iraq, and the freedom of speech in America.

Host: Congressman Joe Sestak from Pennsylvania and Congressman Mike Pence from Indiana, gentlemen, thank you very much.

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3. Congressman Pence, together with Congressman Walden, sent the following letter to

Democrat House leadership asking them to schedule the Broadcaster Freedom Act for an immediate vote on the House floor:

October 1, 2007

The Honorable Nancy Pelosi, Speaker
H-232, U.S. Capitol Building
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Steny H. Hoyer, Majority Leader
H-107, U.S. Capitol Building
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John D. Dingell, Chairman
U.S. House of Representatives
2328 Rayburn House Office Building
Washington, D.C. 20515

Dear Speaker Pelosi, Leader Hoyer and Chairman Dingell:

We write to request that you schedule H.R. 2905, the Broadcaster Freedom Act for immediate consideration on the House Calendar.

We have introduced H.R. 2905, the Broadcaster Freedom Act, which would prohibit the Federal Communications Commission (FCC) from prescribing rules, regulations, or policies that will reinstate the Fairness Doctrine. Over 200 of our colleagues have joined us as cosponsors of this important measure. Additionally, earlier this year the House spoke by a 3 to 1 margin in favor of the Pence Amendment to H.R. 2829, the Fiscal Year 2008 Financial Services and General Government Appropriations Act, preventing the Federal Communications Commission (FCC) from implementing regulations to reinstate the Fairness Doctrine in FY 2008 (Roll Call 599, June 28, 2007). However, since the FY 2008 Financial Services and General Government Appropriations Act has yet to be considered by the Senate, we feel it is important to advance HR 2905 in order to achieve a permanent solution to the extremely troubling Fairness Doctrine.

Due to the lack of clarity in the regulation and in the FCC's rulings, broadcasters often opted not to offer any controversial programming whatsoever rather than risk violating the Fairness Doctrine and being subject to federal fines or risking revocation of their license. H.R. 2905 ensures that true freedom and fairness will remain on our radio airwaves.

The U.S. Supreme Court agrees that the Fairness Doctrine squelches free speech. In 1974, the Court concluded that the Fairness Doctrine inescapably dampens the vigor and limits the variety of public debate in *Miami Herald Publishing Company vs. Torino*. Twenty-three years ago, in *FCC vs. League of Women Voters*, the Court went further and concluded the Fairness Doctrine

was limiting the breadth of public debate and as a result the FCC overturned it. However, the Fairness Doctrine could be revived at any time by any Administration. The Broadcaster Freedom Act will prevent the FCC or any future President from reinstating the Fairness Doctrine.

Considering the significance associated with protecting free speech, we respectfully request that you schedule floor action on H.R. 2905 by Friday, October 12, 2007. While we may not always agree with those who are on the air waves, as Members of Congress and freedom-loving Americans, we should never back down from an opportunity to defend their right to speak their piece. We look forward to your response.

Sincerely,

Representative Mike Pence
Representative Greg Walden